

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**JOSUE SANTIAGO ROSARIO,**  
**Petitioner,**

**v.**

**PHILADELPHIA COUNTY,**  
**Respondent.**

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**CIVIL ACTION NO. 19-CV-6017**

**ORDER**

**AND NOW**, this 26<sup>th</sup> day of February, 2021, upon careful and independent consideration of the petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2241 (ECF No. 1), and after review of the Report and Recommendation (“R & R”) of United States Magistrate Judge Lynne A. Sitarski (ECF No. 8), and noting that Petitioner has not filed objections<sup>1</sup>, it is hereby **ORDERED** that:

1. The R & R is **APPROVED** and **ADOPTED**;
2. The petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2241 is **SUMMARILY DISMISSED** as unexhausted and not cognizable;
3. There is no basis for the issuance of a certificate of appealability; and
4. The Clerk of Court shall mark this action **CLOSED**.

**BY THE COURT:**

/s/ Mitchell S. Goldberg  
**MITCHELL S. GOLDBERG, J.**

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<sup>1</sup> On September 28, 2020, Petitioner was mailed a copy of the R & R, which included an invitation to file objections. (ECF No. 8-2.) On December 21, 2020, I issued an Order reminding Petitioner of his ability to file objections and notifying him that failure to do so could result in the R & R being considered as unopposed. (ECF No. 10.)